1946 **K** **File No.** L·O.Rs·II/46

Legal Deptt.

B **BRANCH** P+T(E) 1946

Subject:—

Rules and Notifications

under Law officers Rules.

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F. No. 28 Rs. II/46

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I have discussed rule 51A of the Rules for theConduct of Legal Affairs of Government with the G.P.,H,C,and the P.P., Bombay. It seems to me that the only point requiring consideration is the one in regard to the practical difficulty which the P.P.,Bimbay experiences in giving an opinion without being able to btain the case papers in time. He obvisouly cannot give an opinion without perusing the reroard. It must be recognised that in almost all cases, for the reasons stated by him the P.P. is not in a position to obtain the case papers or copies thereof without undue expense and delay. If follows that clause(1)of rule 51A will have to be suitably amended relieving the P.P.of the of the obligation to give an opinion in those cases in which he cannot secure the papers without undule delay and expense. In such cases he need only infrom the G.P.H.C., of his inability to express an opinibn and it will then be the duty of the G.P.,H.E., to peruse the record and decide ~~and decide~~ whether Government should or should not defend the appeal or revision application, as the case may be. Unlessa shortness of time does not permit a reference to the Remembrancer of Legal Affairs, the G.P.,H.C.,when he is of opinion that the appeal or revision application ought not to be defended should, as far as possible, secure the previous approval of the Remembrancer of Legal Affairs. The amendment of clause (1)of rule 51A as indicated above will require consequential amendment of clause(3).

Sd/-

13-4-46

M.R.D.
13-7-56
C.4

NOTIFICATION.

Legal Department,
Bombay Castle, 28th June 1946.

No.4636-:-The Governor of Bombay is pleased to amend the Rules for the Coudnct of Legal Affairs of Government Published in Government Notification Legal Department No. 8493,dated the 23rd August 1939, as follows, namely:-

To sub-rule(1) of rule 51A of the said rules the following proviso shall be added namely:-

"Provided that if the public prosecutor is not able to secure all the necessary papers of a case in time, he may, without expression any opinion on suchm case communicate the fact to the Government Pleader, High Court, Bombay,whose duty it shall then be to persue the record and decide whether or not Government should defend the appeal or application, as the case may be. The Government Pleader if he is mof opinion that the appeal or application, as the case may be, should not be defended, shall, as soon as may be,submit the papers of the case with his opinion to the Remembrancer of Legal Affairs.".

By order of the Governor of
Bombay.

Sd/-
P.N.MOOS,
Secretary to Government.

No.4637

Legal Department,
Bombay Castle, 28th June 1946.

Forwarded with compliments to the Manager, Government Central Press, Bombay, for publication in Part IV-A of the Bombay Government Gazette, with a request the 25 Gazette copies of the notification may be supplied to this Department, as soon as possible.

2. It is also requested that the type should be kept s standing until further orders from this Department, regarding printing ~~until further~~ of the correction slips.

By order of the Governor of
Bombay ,

Sd/-
for Secretary to Government

P.T.O.

No.4638
Legal Department,
Bombay Castle, 28th June 1946.

Advance copy forwarded to the Accountant General, Bombay.
with reference to paragraph 2 of his letter No.D.A.III 27
Presy/1895, dated the 3rd January 1942.

Sd/-
for Secretary to Government.

M.R.D.
15-7-5d
C.A